

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
LEEWARD EQUIPMENT RENTAL, INC.)
Notice of Failure to Comply)
With Hawaii Revised Statutes)
and Commission's Regulations)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

DOCKET NO. 02-0255

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2002 NOV 27 A 11: 09

RECEIVED

DECISION AND ORDER NO. 19822

Filed Nov. 27, 2002
At 8 o'clock A. .M.

Kris H. Lee

for Chief Clerk of the Commission

ATTEST: A True Copy
LEATRICE G. ASAHI
Clerk, Public Utilities
Commission, State of Hawaii.

Leatrice G. Asahi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----))
LEEWARD EQUIPMENT RENTAL, INC.) Docket No. 02-0255
Notice of Failure to Comply) Decision and Order No. 19822
With Hawaii Revised Statutes)
and Commission's Regulations)
Order to Show Cause Why)
Respondent's Operating)
Authority Should Not Be)
Suspended or Revoked.)
_____)

DECISION AND ORDER

By Order No. 19566, filed on September 30, 2002, the commission ordered LEEWARD EQUIPMENT RENTAL, INC. (Respondent) to appear at 465 South King Street, Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on October 29, 2002 to show cause why Respondent's certificate of public convenience and necessity (CPCN) number 2066-C should not be suspended or revoked for failure to pay a penalty of \$2,057.38 that the commission assessed for Respondent's untimely annual financial report filing and annual motor carrier gross revenue fee payment, pursuant to Hawaii Revised Statutes § 271-27(i) and Hawaii Administrative Rules § 6-62-42.¹ The commission notified Respondent that its

¹The commission notified Respondent of the October 29, 2002 hearing by serving Order No. 19566 upon Respondent by certified mail, return receipt requested, at Respondent's last known address, or to Respondent's attorney. Pursuant to Hawaii Administrative Rules (HAR) § 6-61-21, service is deemed complete upon properly stamping, addressing, and mailing the order to Respondent's last known address, or to Respondent's attorney.

CPCN would be revoked if it failed to appear at the scheduled hearing.

On October 29, 2002, Respondent failed to appear before the commission's hearings officer. As a result, the hearings officer recommended that: (1) Respondent be found in default for failure to appear at the hearing, and (2) Respondent's CPCN be revoked.

Based on the above, the commission finds that Respondent has not complied with Order No. 19566, the applicable laws, rules, and regulations, and concludes that Respondent's CPCN should be revoked.

THE COMMISSION ORDERS that CPCN No. 2066-C is revoked.

DONE at Honolulu, Hawaii this 27th day of November, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By *Wayne H. Kimura*
Wayne H. Kimura, Chairman

By *Janet E. Kawelo*
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

for *Michael Barr*
Catherine P. Awakui
Commission Counsel
02-0255.sl

By (RECUSED)
Gregg J. Kinkley, Commissioner

Additionally, pursuant to HRS § 91-9.5, the commission provided Respondent with notice of the hearing via statewide publication in newspapers of general circulation on October 7 and October 14, 2002.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19822 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

LEEWARD EQUIPMENT RENTAL, INC.
92-5005 Limukele Street
Kapolei, HI 96707
(CM #7001 1940 0007 4476 8017)

Catherine Sakao
for _____
Karen Higashi

DATED: November 27, 2002